IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JIMMY BERTRAND and NICOLA BERTRAND, ET AL	§ §	CIVIL ACTION NO. 1:09-CV-358
VS.	§ §	Judge Marcia A. Crone
DENISE WHITE, ET AL	§ §	

JOINT STATEMENT OF SETTLEMENT AND MOTION REGARDING PRELIMINARY APPROVAL AND SETTLEMENT HEARING

Plaintiffs Jimmy Bertrand and Nicola Bertrand, Marc Brown, Bruce Bateman and Sabrina Bateman, Larry Darrik Hooper and Tell Marie Hooper, Fredricka Hall, Catherine Margaret Cortez, and Corey Koenig, in their individual capacity and on behalf of others similarly situated (collectively, "Plaintiff") and Defendants Sally Hand-Bostick, National Express Tax, LLC, Elizabeth Spinelli, Edwards Adams, Mr. Tax of America, Louis Powell, Elizabeth Powell, Carl Martin Stewart, Kashanebo, Inc., Virtual Professional Education, U.S. Energy Credits, and Powell Financial Services (together collectively as "Parties"), pursuant to rule 23(C) of the Federal Rules of Civil Procedure, file this Statement of Settlement and Motion Regarding Preliminary Approval and Settlement Hearing to show the Court as follows:

1. On or before July 23, 2010, the parties executed the settlement agreements containing the terms of settlements ("Settlement") attached as Exhibits 1, 2, 3 and 4.

2. The Parties request the Court to review the Settlement.

3. The Parties will provide any additional information regarding the Settlement necessary for the Court to grant the requests made below.

4. After the Court's review and consideration of any additional information provided by the Parties, the Parties request the Court to:

a. Preliminarily certify the class for settlement purposes only, appoint class counsel, and approve the Settlement upon finding that the settlement terms and conditions are sufficiently fair, reasonable, and adequate to allow the scheduling of a final fairness hearing and the dissemination of class notice to the settlement class members;

b. Order the parties to request an amended order of preliminary approval, and to submit a fully executed final settlement agreement, the proposed form of class notice, and a proposed plan of distribution of class notice on or before September 24, 2010;

c. Set the final settlement approval hearing or "Fairness Hearing" on the Court's calendar for the Court to take and consider evidence:

(I) to determine whether the final settlement agreement is fair, reasonable, and adequate and should be approved, and whether final judgment should be entered as to claims asserted in this action, or which could have been asserted, against the settling defendants on the merits,

(ii) to consider class counsel's motion for award of attorneys' fees and expenses, and

(iii) to reserve jurisdiction to effect and enforce the settlement.

For these reasons, the parties move the Court to grant these requests.

FOR PLAINTIFFS:

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By: Kenneth W. Lewis (signature) Dated: 7/23/10

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